

HOUSE No. 399

By Mr. Fresolo of Worcester, petition of John P. Fresolo and others relative to establishing a bill of rights for municipal police officers. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

John P. Fresolo Joan M. Menard
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In the Year Two Thousand and Five.

AN ACT RELATIVE TO A POLICEMAN'S BILL OF RIGHTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 31 of the General Laws, as appearing in
2 the 2000 Official Edition, is hereby amended by adding the
3 following new section:—

4 Section 41B. The interrogations into alleged misconduct of a
5 police officer shall take place at a location designated by the
6 investigating officer. The officer shall be informed of the rank,
7 name and command of the officer in charge of the investigation
8 and of all persons present during the interrogation. The officer
9 shall be informed of the nature of the interrogation and shall be
10 informed of the name of all complainants.

11 The interrogation shall be conducted at a reasonable hour and
12 in a reasonable manner, preferably at a time when the officer is on
13 duty. Interrogation sessions shall be for reasonable periods and
14 shall be flexible to allow for personal necessities. The law
15 enforcement officer shall not be subject to offensive language or
16 be threatened with transfer, dismissal, or disciplinary action.

17 If the police officer is under arrest or is likely to be placed
18 under arrest, he shall be completely informed of all his rights prior
19 to commencement of the interrogation. At the officer's request, he
20 shall have the right to be represented by counsel. All questions
21 and answers shall be recorded by a stenographer.

22 No law enforcement officer shall be discharged, disciplined,
23 demoted, denied transfer or reassignment with regard to his
24 employment, or be threatened with any such treatment by reason
25 of his exercise of the rights granted by this section.

1 SECTION 2. Section 25 of Chapter 268A of the General Laws,
2 as appearing in the 1988 Official Edition, is further amended by
3 adding after the fifth paragraph the following new paragraph:—
4 Police officers charged with alleged misconduct committed
5 during the course of duty shall be subject to the provisions of sec-
6 tions 41, 41B and 43 of Chapter 31 of the General Laws.

1 SECTION 3. Section 43 of Chapter 31 of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby further amended
3 by adding in line two after the word “forty-one” the following:—
4 “or forty-one B, he”.

1 SECTION 4. Section 9A of Chapter 258 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 inserting in line two after the words “capitol police”, the
4 following:— “a municipal police officer”.

1 SECTION 5. Section 9A of Chapter 258 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 inserting in line 11 and line 23, after the words “capitol police”
4 the following:— “municipal police officers”.